

ORDINANCE NO. 28543

**AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING
CHAPTER 9.10 OF TITLE 9 OF THE SAN JOSÉ
MUNICIPAL CODE TO ADD SECTIONS 9.10.152 AND
9.10.153 TO DEFINE LARGE EVENTS AND LARGE
VENUES; AMEND SECTION 9.10.1720 TO INCREASE
THE LATE REPORT PENALTY; AND AMEND SECTION
9.10.1445 TO CONFORM WITH NEW DEFINITIONS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. Chapter 9.10 of Title 9 of the San José Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

9.10.152 Large Event

“Large Event” means the temporary or periodic use or occupancy of a public street, publicly owned site or facility, or public park within the City for a civic, commercial, recreational, or social event attended by an average of one thousand (1,000) or more persons per day of operation of the event.

SECTION 2. Chapter 9.10 of Title 9 of the San José Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

9.10.153 Large Venue

“Large Venue” means venue facilities such as, but not limited to, stadiums, museums, concert halls, and parks and attractions located within the City with an average attendance of more than two thousand (2,000) persons per day of operation of the venue.

SECTION 3. Section 9.10.1445 of Chapter 9.10 of Title 9 of the San José Municipal Code is amended to read as follows:

9.10.1445 Large Event and Large Venue Requirements

- A. Any person seeking permission to conduct a Large Event where the event generates solid waste such as, but not limited to, paper, beverage containers, or food shall develop a waste reduction and recycling strategy and shall file a copy of the strategy with the City's Director of Environmental Services. The waste reduction and recycling strategy shall include an estimate of the amount and types of waste anticipated from the event, proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfills of reusable and recyclable materials. Within ten (10) calendar days after the conclusion of the event, the applicant shall submit to the Director of Environmental Services a copy of all weight or cubic yardage receipts for the solid waste and for the recyclables from the receiving waste hauler, service charity, recycling center, or other such entity receiving the materials. Alternative documentation of diversion from the landfill may be acceptable if approved by the Director of Environmental Services at the time the strategy is filed with the Director.

- B. All Large Venues shall prepare and adopt an annual waste prevention strategy to reduce the amount of waste material generated by facility operations, and shall file a copy of the strategy with the Director of Environmental Services on or before January 31 of each calendar year. The venue facility owner or manager shall submit an annual report to the Director of Environmental Services that lists the weight or cubic yardage of solid waste and recyclable materials generated at the venue facility during the twelve (12) months from September 1 of a calendar year to August 31 of the next calendar year and the type, amount (by weight or cubic

yardage), and destination of all solid waste disposed and each recyclable material sold or donated during that twelve (12) month period.

- C. The Director of Environmental Services may exempt an event operator described in Subsection A. or a venue facility owner from some of the requirements of this Section if the Director determines that the event or venue facility does not generate significant amounts of solid waste or recyclables or because of localized market conditions for a particular recyclable material.

SECTION 4. Section 9.10.1720 of Chapter 9.10 of Title 9 of the San José Municipal Code is amended to read as follows:

9.10.1720 Reports

- A. The grantee shall file with the Director a monthly report of the quantities of commercial solid waste, commingled recyclables and source separated recyclables collected, transported and/or disposed of during the month, the number of San José customers served by the grantee during the month, and the container size(s) and frequency of collection performed for each customer, and the grantee's gross receipts for collection services provided in San José during the month. Such report shall be in such form and detail as required by the Director and, if required by the Director, shall include a report of the quantities of commercial solid waste recycled and the quantities disposed of at disposal facilities.
- B. If the monthly report required under Subsection A. is not filed by the due date specified in the franchise agreement, the report shall be deemed delinquent.
- C. If the report is delinquent, the grantee shall pay to the City a delinquent report charge in the amount of three hundred dollars (\$300.00). If the report remains

delinquent for more than fifteen (15) days, the grantee shall pay to the City an additional delinquent report charge in the amount of three hundred dollars (\$300.00). If the report remains delinquent for more than thirty (30) days, the grantee shall pay to the City a third delinquent report charge in the amount of three hundred dollars (\$300.00). If the report remains delinquent for more than forty-five (45) days, the grantee shall pay to the City a fourth delinquent report charge in the amount of three hundred dollars (\$300.00). Such delinquent report charges shall be in addition to any franchise fees or other charges payable by the grantee for the same period of time.

PASSED FOR PUBLICATION of title this 12th day of May, 2009, by the following vote:

AYES: CAMPOS, CHU, HERRERA, KALRA, LICCARDO,
NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO, CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk